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July 5, 2011

VIA ECF FILING

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

Re: *United States v. \$587,536.45, et al.*, 1:10-cv-01866.

Dear Judge Cogan:

This firm represents Claimant Robert Potenza in the above-referenced civil forfeiture action. On December 3, 2010, third-party witness Shay Cavanaugh of JPMorgan Chase Bank ("Chase") was deposed at our office in New York, New York. Ms. Cavanaugh is listed in the Pre-Trial Order as a witness to be called at trial by Claimant, and was served with a subpoena to appear at trial.

Just this afternoon, we were contacted by JPMorgan Chase attorney Andrew R. Kosloff, who indicated that Chase may decline to produce Ms. Cavanaugh at trial, due to the fact that she resides in Texas.

In addition, Chase has produced a four page document that has been redacted in numerous places for reasons other than privilege. [Attached as Exhibit A hereto, Claimant 5322-5325]. Despite repeated requests, Chase has refused to produce an un-redacted copy of this document. Chase has also, in fact, refused to explain in any detail the basis for the redactions.

Accordingly, we plan to raise these issues at tomorrow's pre-trial conference.

Respectfully submitted,

A handwritten signature in cursive script, reading "Andrew J. Sockol".

Andrew J. Sockol

cc: AUSA Brian Morris
Andrew R. Kosloff

Exhibit A

5/9/2007
10:43:37 AM

KOONS,
TIMOTHY

Event Narrative

4/13/2007 2:45:07 PM WONG, FANNY Customer appeared on the Feb-07 [REDACTED] reports, which lists customers that made at least [REDACTED] cash deposits in amounts between \$[REDACTED] and \$[REDACTED] for the reporting month.

5/9/2007 1:41:02 PM RODRIGUEZ, MARY G Customer: PRP Restaurant, Inc. C/O PSP Inc. 64 W. 49th ST. New York, NY 10036 (Address taken from [REDACTED], TIN # 113533471)

5/9/2007 1:41:15 PM RODRIGUEZ, MARY G Account Number: 771502313165 - date opened 12/07/2001, LOB: Retail Banking, cost center 000771, Assigned RM: No Assign RM, signer on account: Patricia Potenza, SSN 062443622, DOB 01/15/1952

5/9/2007 1:41:27 PM RODRIGUEZ, MARY G Alan Reale, SSN 089443896, DOB 02/08/1952, Robert Potenza, SSN 089423743, DOB 05-04-1950 Other Account Relationships: no other business accounts, No HALO Subject match, No Retail KYC ID

5/9/2007 1:41:36 PM RODRIGUEZ, MARY G Yahoo and Google for any information regarding our customer, no derogatory information available, Lexis Nexis provided no derogatory information on customer

5/9/2007 1:41:44 PM RODRIGUEZ, MARY G [REDACTED] alerted [REDACTED] view account history from 03/01/2007 to 05/31/2007, Analyst: Mary G. Rodriguez U*36441 - (817) 656-5036

5/9/2007 1:42:04 PM RODRIGUEZ, MARY G The account alerted for [REDACTED] February 2007 Cash In transactions between \$[REDACTED] - \$[REDACTED]. A review of the account identified 7 cash deposits in increments of \$[REDACTED] each and [REDACTED] transactions at \$[REDACTED] each and 1 at [REDACTED] for a grand total of [REDACTED]

5/9/2007 1:42:15 PM RODRIGUEZ, MARY G The deposits occurred on consecutive business days in several instances. Activity was transacted at Chase Steinway Street (branch #0693, 36-15 Broadway, Astoria, NY, Chase Hunters Point (branch #0748), 10-51 Jackson Ave, Long Island City, NY

5/9/2007 1:42:26 PM RODRIGUEZ, MARY G and Branch 0071 (could not get accurate location)

5/9/2007 1:42:52 PM RODRIGUEZ, MARY G Reviewed check debits occurring in the account and revealed [REDACTED] checks payable to cash in increments of \$[REDACTED] each totaling \$[REDACTED]. The activity also revealed [REDACTED] no transactions being paid to vendors

5/9/2007 1:43:02 PM RODRIGUEZ, MARY G no signs of business activity occurring in the account

5/9/2007 1:43:15 PM RODRIGUEZ, MARY G Further investigation is warranted to see if cash deposits are commensurate with business transactions

5/10/2007 2:34:37 PM WITTE, TERESA L OK for escalation to SBB IU for further investigation into cash activity in account, Terry Witte - SBB SMU Mgr. 713-216-5632

5/15/2007
10:43:37 AM

KOONS,
TIMOTHY

Although the customer alerted for cash activity, further investigation is required to determine patterns and possible intent. Further investigation to follow

5/14/2007
7:08:45 PM

KOONS,
TIMOTHY

06/07/07 [REDACTED] Report

Event [REDACTED]
Alert [REDACTED]

Accounts #771502313165, PRP Restaurant, Inc. (TIN: 11-3533471) as owner, with Patricia Potenza (TIN: 062-44-3622, Dob: 01/15/52), Alan Reale (TIN: 089-44-3896, Dob: 02/08/52), and Robert Potenza (TIN: 089-42-3743, Dob: 05-04-50) as signers

ORIGINAL INFORMATION

A review of this customer's accounts was initiated when it became known that there were cash deposits which likely to be confirmed by further investigation. May be seen [REDACTED]

SYSTEMS USED

KYC: No matches

SEMS: No new matches

Reviewed account activity and transaction images in Customer Assist and Instant Image.
Reviewed Signature cards on iVault and noted that only TiN was used as ID for this business account.

CURRENT ACTIVITY REVIEW

Review of account #771502313165 from 12/11/06 to 06/05/07 revealed the following:

Checks within this account were used for two purposes. The first was to transfer funds to an account in the name PRP Restaurant at other banks, though the copies of checks to not confirm which banks the money is going to. The checks for this activity range from \$ [REDACTED] to [REDACTED]. There are also [REDACTED] checks, \$ [REDACTED] each, made payable to cash and cashed at the teller, totaling \$ [REDACTED]. There was evidence that these checks showed an aggregate in excess of \$ [REDACTED] sequential dates and [REDACTED]. Example: 02/28/07 - \$ [REDACTED] 03/01/07 - \$6,000. Also they added to the pattern of cash noted below. There were 60 teller cash withdrawals, totaling \$ [REDACTED] with them were for \$ [REDACTED] each, which adds to the pattern already noted, apparently meant to avoid [REDACTED] requirements. All ACH credits were received from credit card processors. There were also [REDACTED] teller cash deposits, totaling \$ [REDACTED]. These also showed evidence of total in excess of \$ [REDACTED] on same/sequential dates where no CTRs were filed. There were only [REDACTED] CTRs filed during the review period.

CONCLUSION

Investigation is complete, pending manager review.

6/7/2007
3:46:54 PM

KOONS,
TIMOTHY

Recommendation: No closure is recommended at this time, but this may change upon completion of customer contact. This will be initiated next week.

9/7/2007
4:01:50 PM

CAVANAUGH,
SHAY L

Review of account #771502313165 from 06/05/2007 through 09/05/2007 revealed the following:

An additional [REDACTED] has been withdrawn from this account in the form of cashed checks for \$ [REDACTED] each on sequential calendar days. The client did cash [REDACTED] checks in this time frame with [REDACTED] over \$ [REDACTED] however the remaining [REDACTED] were at [REDACTED] even.

An additional \$ [REDACTED] has been deposited into this account in a [REDACTED] manner with deposits occurring on sequential calendar days which aggregate over \$ [REDACTED].

9/7/2007
4:02:21 PM

CAVANAUGH,
SHAY L

[REDACTED] WARNING LETTER WILL BE SENT TO THE CLIENT AS IT DOES NOT APPEAR ONE WAS SENT DURING THE ORIGINAL REVIEW.

CARA = CONTINUING

ACCOUNT CLOSURE = NO

9/14/2007
12:53:20 PM

CAVANAUGH,
SHAY L

Cash is being used to fill ATM Machine and also take singles for his adult establishment to tip the dancers.

His ATM Machine holds \$20K

His bank days are Tues, Wed, and Thurs. He goes to two/three branches to get enough singles on occasion since branches don't hold enough singles.

The checks are being cashed at [REDACTED] based on business need and not an attempt to avoid filing the CTR.

He also stated that he doesn't not like to have a lot of cash on hand or to keep the same pattern due to the threat of being held up

12/04/2007
4:00 PM

STINSON,
MICHELLE

Time frame reviewed: 09/06/2007-12/04/2007

Teller cash deposits range from [REDACTED] and total [REDACTED]

Other credits: ACH preauthorized or payroll are RBL Lynk transactions

Use of funds: Check debits range from [REDACTED] to [REDACTED] totaling [REDACTED] were cashed [REDACTED] ranging from [REDACTED] to [REDACTED] are to PRP Restaurant

Cash withdrawals range from [REDACTED] to [REDACTED] of these [REDACTED] were for [REDACTED] totaling [REDACTED]. The others were internal transactions.

12/04/2007
4:00 PM

STINSON,
MICHELLE

Customer continues pattern of [REDACTED]

12/05/2007
5:03 PM

STINSON,
MICHELLE

I spoke to Prakash Mehta (718-472-3296) at Sunnyside branch and asked if the branches were limited to the amount of cash they could give to a customer in one day. He stated that all the branches keep plenty of cash on hand. He did not know the customer but did not think the customer would need to go to different branches to get enough cash to meet business needs.

ACCT CLOSURE RECOMMENDED due to continuing pattern of activity and branch feedback that limited cash available at the branches would cause the customer to go to multiple branches on some days.

12/05/2007
5:52 PM

SALCEDO,
SYLVIA M

Hi Michelle

Please process [REDACTED] Account Closing Event: 1606574 and advise RM or branch of domicile of account closure. Branch notification must be documented in the case comments.

Thanks!

12/06/2007
9:00 PM

SALCEDO,
SYLVIA M

Initiated acct closure

Notified acct officer Bibi S Singh of closure by email

12/07/2007
9:47 AM

STINSON,
MICHELLE

12/08/2007
3:54 PM

MIRANDA,
DEBRA M

New Event #1637864 Atchley for the month of December 2007. Transactions: Cash-in. Amount: \$[REDACTED]

Alert # [REDACTED]

12/08/2007
4:17 PM

MIRANDA,
DEBRA M

Reviewed transactions between 12/05/2007 to 02/28/2008
Account no: 771602313166

Client continued to receive ACH credits from RBS Lynk totaling \$[REDACTED]

Client wrote checks to self to be deposited with another institution ranging from \$[REDACTED] to \$[REDACTED] totaling \$[REDACTED]

12/08/2007
5:07 PM

MIRANDA,
DEBRA M

Unusual activity as follows

Cash Deposits ranged from \$[REDACTED] totaling \$[REDACTED]

Cash withdrawals all at \$[REDACTED] totaling \$[REDACTED]

12/08/2007

MIRANDA,

Branches Utilized:

3/30/2008
3:37:28 PM

DEBRA M

Branch 680 Steinway St. 33-19 Broadway Astoria NY 11103
Branch 071 Sunnyside 47-11 Queens Blvd. Sunnyside NY 11104
Branch 748 Hunters Point 10-51 Jackson Ave. Long Island NY 11101

3/3/2008
3:37:52 PM

MIRANDA,
DEBRA M

[REDACTED]

3/3/2008
3:38:17 PM

MIRANDA,
DEBRA M

Account closed as of 02/28/2008 per [REDACTED]

Please close case

5/23/2008
8:52:41 PM

MIRANDA
DEBRA M

[REDACTED]

New Events: none

[REDACTED]

Reviewed transactions between 02/28/2008 to 05/22/2008
Account No 771502313165 Account Closed 2/25/2008

No activity, activity did not continue.

[REDACTED] closed

Please close case

11/19/2009
4:23:45 PM

DAUER,
MICHELE F

[REDACTED]

12/18/2009
11:42:47 AM

GUTIERREZ,
JESSICA M

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]